

IN RE: PETITION FOR VARIANCE
E/S Greenspring Drive, 1320' S
of the c/l of Timonium Road
(1967 Greenspring Drive)
8th Election District
4th Councilmanic District

Donald O. Peck, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-293-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1967 Greenspring Drive, located in Timonium, just west of the I-83 Expressway. The Petition was filed by the owners of the property, Donald O. and Helen S. Peck, and the Contract Purchasers, Priceless Carpets, by Gregory W. Calvert, President, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (B.R. 238.2) to permit a south side yard setback of 0 feet in lieu of the minimum required 30 feet for a proposed addition to the existing buildings. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Donald and Helen Peck, property owners, Gregory W. Calvert, President of Priceless Carpets, the Contract Purchaser/Lessee, Geoffrey C. Schultz, Professional Engineer with McKee and Associates who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.501 acres, more or less, zoned M.L.-I.M.,

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Date

By

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and is improved with a two-story brick building of 6,000 sq.ft. and an attached one-story warehouse building of 2,000 sq.ft. The property is located on the east side of Greenspring Drive, south of Timonium Road, not far from the I-83 Expressway. The Petitioners are desirous of constructing a one-story addition of 2,345 sq.ft. on the east side of the existing warehouse building in accordance with Petitioner's Exhibit 1. Due to the narrow width of the lot and the location of existing improvements thereon, the requested variance is necessary. The south wall of the proposed addition is directly in line with the southern wall of the existing buildings and will maintain the same rear setback. The Petitioners have discussed this matter with the adjoining property owner, the Greenspring Drive Joint Venture, and have received their support as evidenced by a letter dated March 17, 1995 which was marked into evidence as Petitioner's Exhibit 2. The Greenspring Drive Joint Venture is not opposed to the proposed addition so long as the proposed addition is constructed of masonry materials. Therefore, I shall impose such a requirement as a condition of the relief granted.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such

that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular

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CJG
DEC 1995

district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty

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By

standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of April, 1995 that the Petition for Variance seeking relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (B.R. 238.2) to permit a south side yard setback of 0 feet in lieu of the minimum required 30 feet for a proposed addition to the existing buildings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition shall be constructed of masonry materials similar to that utilized in the existing buildings on this site.
- 3) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.
- 4) The Petitioners shall comply with the Zoning Plans Advisory Committee (ZAC) comments submitted by Robert W. Bowling, Chief, Developers Engineering Section of the Department of Public Works dated March 3, 1995, a copy of which has been attached hereto and made a part hereof.

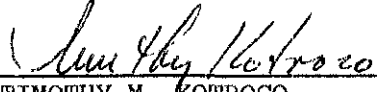
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Date

By

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Date 4/3/15
By [Signature]

[Faint handwritten text]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 5, 1995

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S Greenspring Drive, 1320' S of the c/l of Timonium Road
(1967 Greenspring Drive)
8th Election District - 4th Councilmanic District
Donald O. Peck, et ux - Petitioners
Case No. 95-293-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Donald O. Peck
414 Donegal Drive, Towson, Md. 21286

Mr. Gregory Calvert, President, Priceless Carpets
25 West Aylesbury Road, Timonium, Md. 21093

Mr. Geoffrey Schultz, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1967 Greenspring Drive

which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 (B.R. 238.2) to permit a sideyard setback (south side) of zero feet in lieu of the minimum required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Shape and narrow configuration of lot;
2. Location of improvements as constructed by predecessors;
3. Unique shape of existing lot and configuration of improvements as exist thereon; and
4. For such further justification as will be presented at the time of the hearing on this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Priceless Carpets, Greg Calvert, Pres.

(Type or Print Name)

Greg Calvert Pres.
Signature

25 West Aylesbury Road

Address

Timonium, Maryland 21093

City

State

Zipcode

Attorney for Petitioner

Howard L. Alderman, Jr.

(Type or Print Name)

Howard L. Alderman Jr.
Signature

Levin & Gann

305 West Chesapeake Avenue 321-0600

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Donald O. Peck

(Type or Print Name)

Donald O. Peck
Signature

Helen S. Peck

(Type or Print Name)

Helen S. Peck
Signature

414 Donegal Drive

Address

823-6687

Phone No

Towson, Maryland 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

McKee & Associates, Inc.

527-1555

Name

5 Shawan Road, Hunt Valley, MD 21030

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: *SWA*

DATE

2-17-95

289

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By



MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

February 16, 1995



ZONING DESCRIPTION OF
1967 GREENSPRING DRIVE
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the east side of Greenspring Drive (60 feet wide) at the distance of 1370 feet south of the centerline of Timonium Road; thence running North $80^{\circ} 37' 21''$ East 242.42 feet, South $09^{\circ} 22' 32''$ East 80.29 feet, South $80^{\circ} 27' 06''$ West 237.89 feet to the East side of Greenspring Drive; thence along said road by a curve the left, having a radius of 2446.56 feet and an arc length of 81.13 feet to the place of beginning as recorded in deed 5609, folio 075 and containing 0.445 acres of land.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-293-A
Townson, Maryland

District: 824 Date of Posting: 2/24/95
Posted for: Vonico
Petitioner: Donald & Helen Beck & Priceless Corp.
Location of property: 1967 Greenspring Drive, E/S
Location of Signs: Facing road way, on property being zoned
Remarks: _____
Posted by: M. Stealer Date of return: 3/2/95
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse 400 Washington Avenue Towson, Maryland 21204 as follows:

Case Number:
95-283-A (Item 289)
1987 Greenbriar Drive
E/S Greenbriar Drive,
1320' S of A Timonium Rd.

8th Election District
4th Councilmanic
Legal Owner(s):
Donald O. Peck and
Helen S. Peck
Contract Purchaser(s):
Priceless Carpets
HEARING: FRIDAY,
MARCH 17, 1995 at 2:00
p.m. in Rm. 106, County Of-
fice Building

Variance: to permit a side
yard setback (south side) of
zero feet in lieu of the minimum
required 30 feet.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

3/026 March 2.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 3, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on March 2, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

204

Date: 2-17-95

WILLIAMS, CAROL
1967 GREENSPRING DR.

020 C.V. 250

OSC 35

TOTAL

285

RECEIVED

RECEIVED
BALTIMORE COUNTY
FEB 17 1995

2286.00

Please Make Checks Payable To: Baltimore County

Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



11 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____

Petitioner: PRICELESS CARPETS

Location: 1967 Greenspring Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: McKee & Associates, Garry C. Seavitt

ADDRESS: 5 Shawan Road

Hunt Valley, Md. 21030

PHONE NUMBER: 527-1555

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
March 2, 1995 Issue - Jeffersonian

Please forward billing to:

McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, Maryland 21030
410-527-1555

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-293-A (Item 289)
1967 Greenspring Drive
E/S Greenspring Drive, 1320' S of c/l Timonium Road
8th Election District - 4th Councilmanic
Legal Owner(s): Donald O. Peck and Helen S. Peck
Contract Purchaser(s): Priceless Carpets
HEARING: FRIDAY, MARCH 17, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

WILLIAMSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 23, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-293-A (Item 289)

1967 Greenspring Drive

E/S Greenspring Drive, 1320' S of c/l Timonium Road

8th Election District - 4th Councilmanic

Legal Owner(s): Donald O. Peck and Helen S. Peck

Contract Purchaser(s): Priceless Carpets

HEARING: FRIDAY, MARCH 17, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "A" and "J".

Arnold Jablon
Director

cc: Donald and Helen Peck
McKee & Associates, Inc.
Priceless Carpets
Howard L. Alderman, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 10, 1995

Howard L. Alderman, Jr.
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 289
Case No.: 95-293-A
Petitioner: Donald Peck, et ux

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 6, 1995

SUBJECT: 1967 Greenspring Avenue

INFORMATION:

Item Number: 289
Petitioner: Peck Property
Property Size: .501 acre
Zoning: ML-IM
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant has filed a Variance to permit a sideyard setback of zero feet in lieu of the minimum required 30 feet. Based upon a review of the information provided, the following comment is offered:

The Hunt Valley/Timonium Redevelopment Study addresses landscaping and screening issues related to light rail on page VII-8 as follows:

Provide a 15' wide landscaped and/or fenced buffer between the light rail right-of-way and parking, service and storage areas.

Therefore, staff recommends that the applicant submit a landscape plan for approval prior to the issuance of any permits.

Prepared by: Jeffrey W. Long

Division Chief: Clay L. Kern

PK/JL

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Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/27/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DONALD O. PECK AND HELEN S. PECK

LOCATION: E/S GREENSPRING DR., 1320' S OF CENTERLINE LIMONIUM RD.
(1947 GREENSPRING DR.)

Item No.: 289

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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MAR 1 1995

REVIEWER: LT. ROBERT P. FURWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: +289(JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 3, 1995
 Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for March 6, 1995
 Item No. 289

The Developers Engineering Section has reviewed the subject zoning item. Green Spring Drive is an existing road, which shall ultimately be improved as 44-foot street cross-section on a 60-foot right-of-way. Concrete curb and gutter will also be required along the frontage, with a single commercial entrance per Department of Public Works Standard Plate R-32. Drawings should be completed by a Professional Engineer and a Public Works Agreement will be required.

In addition, this site is subject to the Baltimore County Landscape Manual to the extent possible.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3-1-95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 2-27-95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 271
284
285
286
288
289 ✓

Bruce Akeley
3-1-95

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE
1967 Greenspring Drive, E/S Greenspring
Drive, 1320' S of c/l Timonium Road
8th Election District, 4th Councilmanic

Donald O. and Helen S. Peck
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-293-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

11/10/01-11/10/01

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Howard L. Alderman Jr. Esq

305 W. Chesapeake Ave #113 21204

GEOFFREY C SCHULTZ

5 SHAWAN ROAD 21030

Gregory W. Blair

25 W. Aylerbury Rd.

Donald C. Peck

414 Donegal Dr. 21286

Helen S. Peck

414 Donegal Dr. 21286

LETTER AGREEMENT IN SUPPORT OF ZONING VARIANCE

PETITIONER: Donald Peck, Owner
Priceless Carpets, Contract Purchaser

PROPERTY: 1967 Greenspring Drive
Timonium, Maryland

CASE NO.: 95-293 A

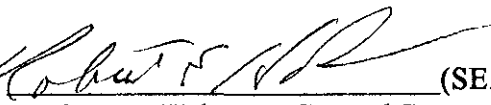
HEARING DATE: March 17, 1995

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, authorized representative of Green Spring Drive Joint Venture, the owner of the property which adjoins the subject property in the area of the variance requested, hereby notifies the Zoning Commissioner of its support of the variance as requested. This request is based on a collateral agreement among itself and the Petitioners requiring that any expansion of the existing building in the area of the requested variance be of masonry construction. The undersigned hereby requests that any order granting the requested relief incorporate such masonry construction requirement.

Signed and sealed this 17th day of March, 1995, as evidenced by the signature of the General Partner of the owner of the property known as 1965 Greenspring Drive.

GREEN SPRING DRIVE JOINT VENTURE

By  (SEAL)
Robert E. Hohman, General Partner

**PETITIONER'S
EXHIBIT NO. 2**



TABULATION DATA:

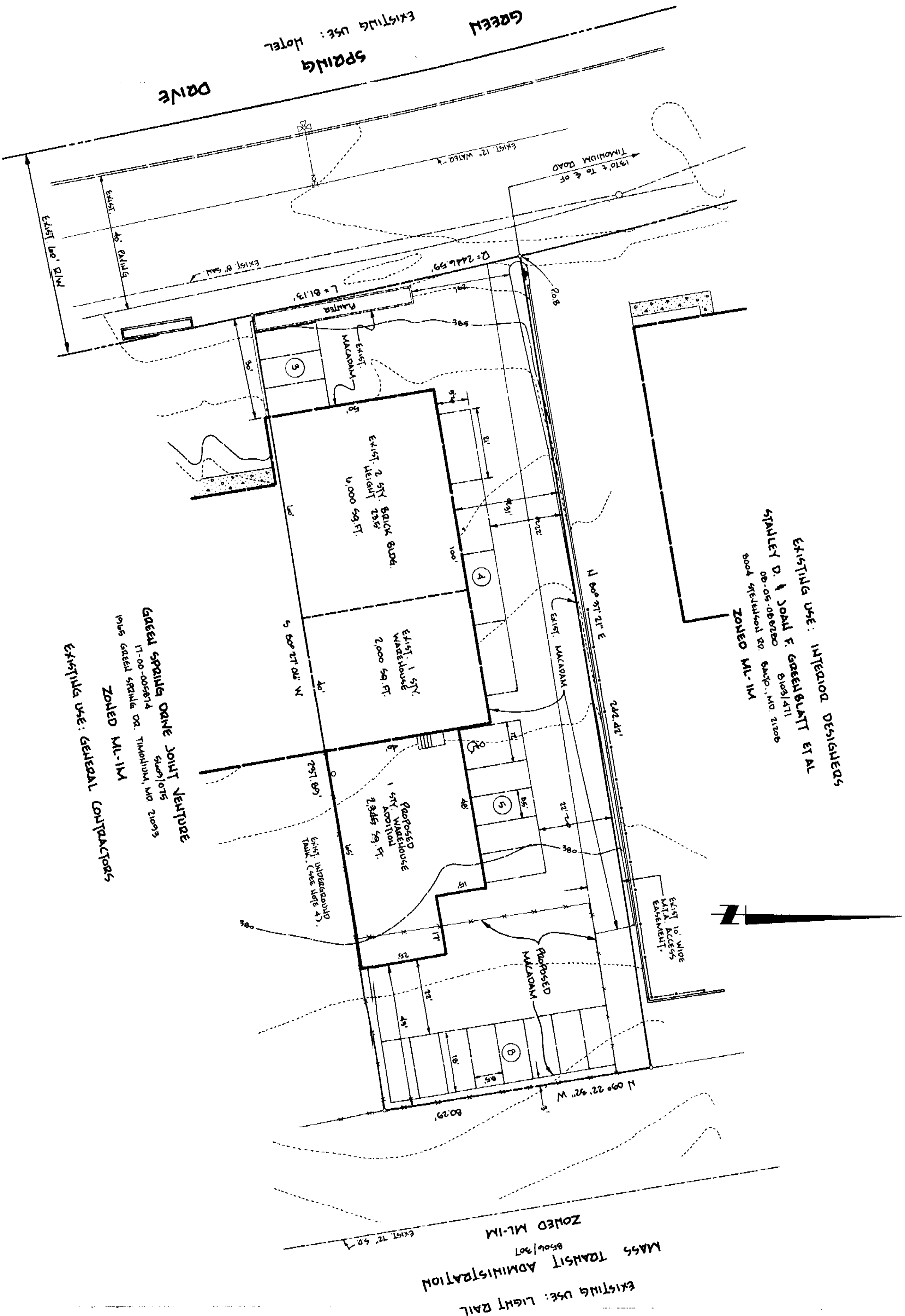
- | | | |
|-----|------------------------------------------|-------------------------|
| 1. | Existing Zoning of Site | ML-1C |
| 2. | Gross Area | 0.501 Ac. ± |
| 3. | Net Area | 0.445 Ac. ± |
| 4. | Floor Areas and Uses: | |
| | First Floor | General Office |
| | Retail | 180 S.F. |
| | Warehouse | 5,015 S.F. |
| | Total First Floor | 5,195 S.F. |
| | Second Floor | General Office |
| | Total Second Floor | 3,000 S.F. |
| | Total Floor Area | 10,345 S.F. |
| 5. | Floor Area Ratio Permitted | 10.345/21,818 = |
| 6. | Floor Area Ratio Proposed | 2.0 |
| 7. | Ratio | 0.47 |
| 8. | Area Required | 1.550 S.F./1,000' x 5 = |
| 9. | General Office (3,100' x 1,000') x 3.3 = | 7.75 spaces |
| 10. | Warehouse (40' x 100' x 20' x 20') | 10.45 spaces |
| 11. | 1 spaces | |
| 12. | 10 spaces | |
| 13. | 20 spaces | |
| 14. | Parking Provided | 20 spaces |

Prior Zoning Hearings:

Case No. 76-99-A
Date of Order: November 4, 1975
Order: Variance granted to permit a zero foot setback on the southern property line in lieu of the minimum required 30 feet.

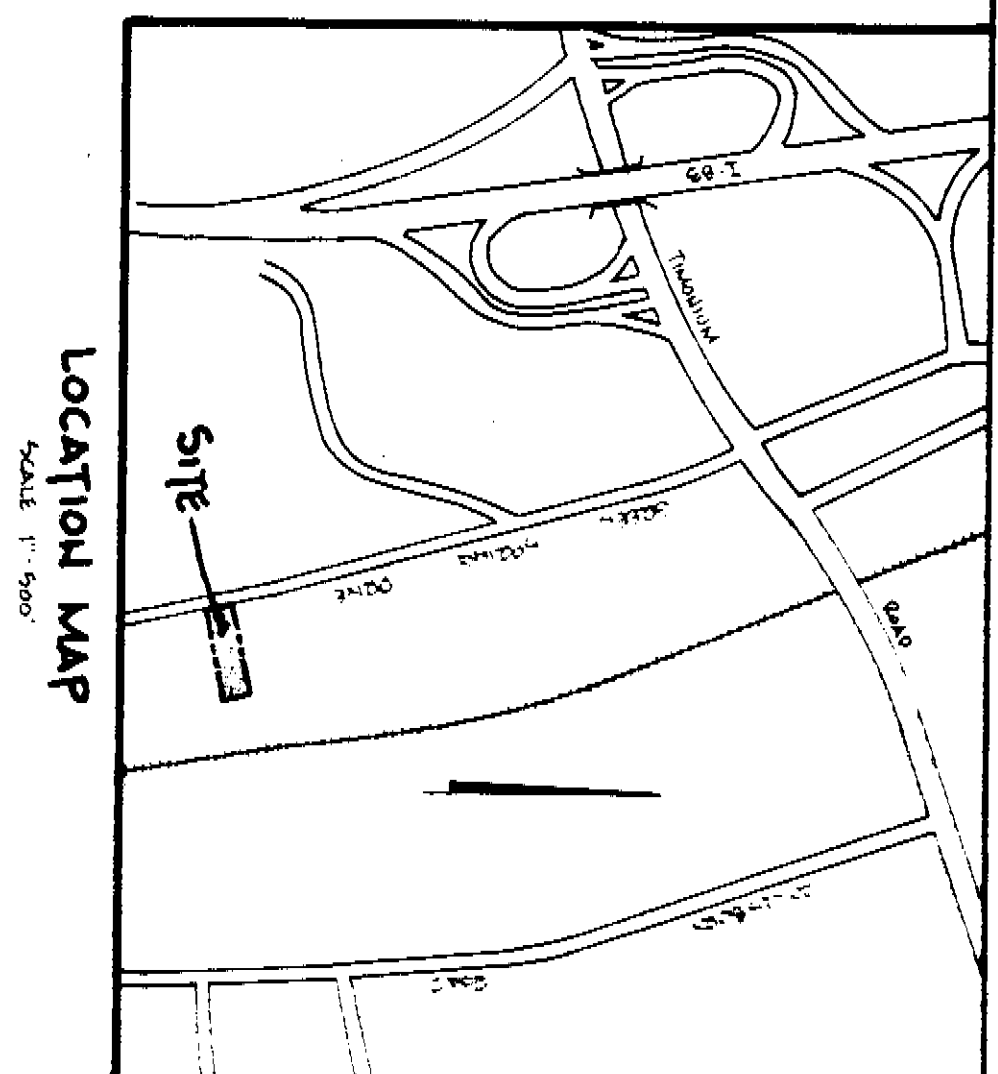
ZONING REQUEST:

Requesting a variance to Section 255.1 (B.R. 238.2) Baltimore County Zoning Regulations to permit a side-yard setback (south side) of zero feet in lieu of the minimum required 30 feet.



GENERAL NOTES:

1. These are 100 grains, 1000 grains, 10000 grains, 100000 grains or 1000000 grains.
2. This 1000000 is equivalent to 1000000 grains (1000000 grains = 1000000 grains).
3. All grains are 1000000 grains (1000000 grains = 1000000 grains).
4. The 1000000 grains are 1000000 grains (1000000 grains = 1000000 grains).



PELTONER'S
EXHIBIT NO. 1

OWNER
DONALD PECK
414 DOWNSIDE DR.
TOWNSHIP, MARYLAND 21286
ORDER REF: 879217110 TAX ACCT: 17-00-005073

CONTACT PURCHASER
PRICELESS CARPETS
GREENGLASS CARPET, PETS.
25 W. AYLEBURY ROAD
TIVOLIA, MARYLAND 21075
(410) 561-9810

1967 GREEN SPRING DRIVE
 PETITION FOR ZONING VARIANCE
 PLAT TO ACCOMPANY
 BALTIMORE COUNTY, MD
 FEBRUARY 10, 1975
 6th ELECTION DISTRICT
 SCALE: 1"=20'
 CONSULTANT: DISTRICT 4

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by _____
 Drawn by J.M.B.
 Checked by _____
 Job Number 95-09

James W McKee Date 2/16/95
(Maryland Registered No. 9012)

IN RE: PETITION FOR VARIANCE
E/S Greenspring Drive, 1320' S
of the c/l of Timonium Road
(1967 Greenspring Drive)
8th Election District
4th Councilmanic District
Donald O. Peck, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-293-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1967 Greenspring Drive, located in Timonium, just west of the I-83 Expressway. The Petition was filed by the owners of the property, Donald O. and Helen S. Peck, and the Contract Purchasers, Priceless Carpets, by Gregory W. Calvert, President, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (B.R. 238.2) to permit a south side yard setback of 0 feet in lieu of the minimum required 30 feet for a proposed addition to the existing buildings. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Donald and Helen Peck, property owners, Gregory W. Calvert, President of Priceless Carpets, the Contract Purchaser/Lessee, Geoffrey C. Schultz, Professional Engineer with McKee and Associates who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.501 acres, more or less, zoned M.L.-1.M.,

and is improved with a two-story brick building of 6,000 sq.ft. and an attached one-story warehouse building of 2,000 sq.ft. The property is located on the east side of Greenspring Drive, south of Timonium Road, not far from the I-83 Expressway. The Petitioners are desirous of constructing a one-story addition of 2,345 sq.ft. on the east side of the existing warehouse building in accordance with Petitioner's Exhibit 1. Due to the narrow width of the lot and the location of existing improvements thereon, the requested variance is necessary. The south wall of the proposed addition is directly in line with the southern wall of the existing buildings and will maintain the same rear setback. The Petitioners have discussed this matter with the adjoining property owner, the Greenspring Drive Joint Venture, and have received their support as evidenced by a letter dated March 17, 1995 which was marked into evidence as Petitioner's Exhibit 2. The Greenspring Drive Joint Venture is not opposed to the proposed addition so long as the proposed addition is constructed of masonry materials. Therefore, I shall impose such a requirement as a condition of the relief granted.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of April, 1995 that the Petition for Variance seeking relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (B.R. 238.2) to permit a south side yard setback of 0 feet in lieu of the minimum required 30 feet for a proposed addition to the existing buildings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed addition shall be constructed of masonry materials similar to that utilized in the existing buildings on this site.

3) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.

4) The Petitioners shall comply with the Zoning Plans Advisory Committee (ZAC) comments submitted by Robert W. Bowling, Chief, Developers Engineering Section of the Department of Public Works dated March 3, 1995, a copy of which has been attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING
Date 4/5/95
By gcp

that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular

ORDER RECEIVED FOR FILING
Date 4/5/95
By gcp

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 5, 1995

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S Greenspring Drive, 1320' S of the c/l of Timonium Road
(1967 Greenspring Drive)
8th Election District - 4th Councilmanic District
Donald O. Peck, et ux - Petitioners
Case No. 95-293-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Donald O. Peck
414 Donegal Drive, Towson, Md. 21286

Mr. Gregory Calvert, President, Priceless Carpets
25 West Aylesbury Road, Timonium, Md. 21093

Mr. Geoffrey Schultz, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel; Case #116

district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty

ORDER RECEIVED FOR FILING
Date 4/5/95
By gcp



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1967 Greenspring Drive

which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 (B.R. 238.2) to permit a sideyard setback (south side) of zero feet in lieu of the minimum required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Shape and narrow configuration of lot;
2. Location of improvements as constructed by predecessors;
3. Unique shape of existing lot and configuration of improvements as exist thereon; and
4. For such further justification as will be presented at the time of the hearing on this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Priceless Carpets, Greg Calvert, Pres.

By Greg Calvert, Pres.
Signature
25 West Aylesbury Road
Address
Timonium, Maryland 21093
City State Zip

Attorney for Petitioner
Howard L. Alderman, Jr.
By Howard L. Alderman, Jr.
Signature
305 West Chesapeake Avenue
Address
Towson, Maryland 21204
City State Zip

Attorney for Petitioner
Howard L. Alderman, Jr.
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By Howard L. Alderman, Jr.
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305 West Chesapeake Avenue
Address
Towson, Maryland 21204
City State Zip

Attorney for Petitioner
Howard L. Alderman, Jr.
By Howard L. Alderman, Jr.
Signature
305 West Chesapeake Avenue
Address
Towson, Maryland 21204
City State Zip

With this document, declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)
Donald O. Peck

By Donald O. Peck
Signature
414 Donegal Drive
Address
Towson, Maryland 21286
City State Zip

By Donald O. Peck
Signature
414 Donegal Drive
Address
Towson, Maryland 21286
City State Zip

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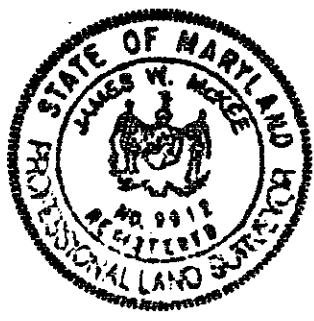
By Donald O. Peck
Signature
414 Donegal Drive
Address
Towson, Maryland 21286
City State Zip

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555
Facsimile: (410) 527-1563

February 16, 1995

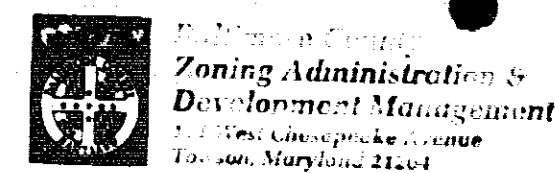


**ZONING DESCRIPTION OF
1967 GREENSPRING DRIVE
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the east side of Greenspring Drive (60 feet wide) at the distance of 1370 feet south of the centerline of Timonium Road; thence running North 80° 37' 21" East 242.42 feet, South 09° 22' 32" East 80.29 feet, South 80° 27' 06" West 237.89 feet to the East side of Greenspring Drive; thence along said road by a curve the left, having a radius of 2446.56 feet and an arc length of 81.13 feet to the place of beginning as recorded in deed 5609, folio 075 and containing 0.445 acres of land.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 2/14/95
Posted for: Variance
Petitioner: Donald O. Peck & Helen S. Peck
Location of property: 1967 Greenspring Drive, E.D.
Location of Sign: Property boundary
Remarks: _____
Posted by: [Signature] Date of return: 3/15
Number of Signs: 1



receipt

Date: 2-14-95
Number: 289
CZC 00-230
CSC 00-230
TOTAL \$2.50

Please Make Checks Payable To: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 3, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 2, 1995

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, in Towson, Maryland 21204, at 2:00 p.m. on Friday, March 17, 1995.

CASE NUMBER: 95-293-A (Item 289)
1967 Greenspring Drive
Eighth Election District - 4th Councilmanic District
Legal Owner(s): Donald O. Peck and Helen S. Peck
Contract Purchaser(s): Peckless Carpets
HEARING: FRIDAY, MARCH 17, 1995 at 2:00 p.m. in Room 106, County Office Building.
Variance: to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.
3/10/95 March 2

289

TO: FUTUREVIEW PUBLISHING COMPANY
March 2, 1995 Issue - Jeffersonian

Please forward billing to:
McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, Maryland 21030
410-527-1555

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 2:00 p.m. on Friday, March 17, 1995.

CASE NUMBER: 95-293-A (Item 289)
1967 Greenspring Drive
Eighth Election District - 4th Councilmanic District
Legal Owner(s): Donald O. Peck and Helen S. Peck
Contract Purchaser(s): Peckless Carpets
HEARING: FRIDAY, MARCH 17, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 23, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 2:00 p.m. on Friday, March 17, 1995.

CASE NUMBER: 95-293-A (Item 289)
1967 Greenspring Drive
Eighth Election District - 4th Councilmanic District
Legal Owner(s): Donald O. Peck and Helen S. Peck
Contract Purchaser(s): Peckless Carpets
HEARING: FRIDAY, MARCH 17, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet.

[Signature]

Arnold Jablon
Director

cc: Donald and Helen Peck
McKee & Associates, Inc.
Peckless Carpets
Howard L. Alderman, Jr., Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Printed with Recycled Ink on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 10, 1995

Howard L. Alderman, Jr.
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 289
Case No.: 95-293-A
Petitioner: Donald Peck, et ux

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3351).

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Recycled Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



11 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____
Petitioner: PRICELESS CARPETS
Location: 1967 Greenspring Drive
PLEASE FORWARD ADVERTISING BILL TO:
NAME: McKee & Associates GARY C. SCOTT
ADDRESS: 5 Shawan Road
Hunt Valley, Md. 21030
PHONE NUMBER: 527-1555

AJ:ggs

(Revised 04/09/93)

289 13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 6, 1995

SUBJECT: 1967 Greenspring Avenue

INFORMATION:

Item Number: 289
Petitioner: Peck Property
Property Size: .501 acre
Zoning: ML-1M
Requested Action: Variance
Hearing Date: 3/17

SUMMARY OF RECOMMENDATIONS:

The applicant has filed a Variance to permit a sideyard setback of zero feet in lieu of the minimum required 30 feet. Based upon a review of the information provided, the following comment is offered:

The Hunt Valley/Timonium Redevelopment Study addresses landscaping and screening issues related to light rail on page VII-8 as follows:

Provide a 15' wide landscaped and/or fenced buffer between the light rail right-of-way and parking, service and storage areas.

Therefore, staff recommends that the applicant submit a landscape plan for approval prior to the issuance of any permits.

Prepared by: [Signature]
Division Chief: [Signature]
PK/JL

ITEM289/PHONE/TEXT.ML

Pg. 1

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21286-5500
(410) 887-4500

DATE: 02/27/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: DONALD O. PECK AND HELEN S. PECK

LOCATION: E/S GREENSPRING DR., 1320' S OF CENTERLINE TIMONIUM RD.
(1967 GREENSPRING DR.)

Item No.: 289 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1991
edition prior to occupancy.

RECEIVED
MAR 1 1995
ZADM

REVIEWER: LT. ROBERT
Fire Marshal's Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
1967 Greenspring Drive, E/S Greenspring * ZONING COMMISSIONER
Drive, 1320' S of c/l Timonium Road *
8th Election District, 4th Councilmanic * OF BALTIMORE COUNTY
Donald O. and Helen S. Peck *
Petitioners * CASE NO. 95-293-A
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Charles S. Denilio
CHARLES S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of March, 1995, a copy of
the foregoing Entry of Appearance was mailed to Howard L. Alderman,
Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204,
attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MD SHA
Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +289(JKA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to
approval as it does not access a State roadway and is not effected by any State Highway
Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-7259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 3, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 6, 1995
Item No. 289

The Developers Engineering Section has reviewed
the subject zoning item. Green Spring Drive is an existing
road, which shall ultimately be improved as 44-foot street
cross-section on a 60-foot right-of-way. Concrete curb and
gutter will also be required along the frontage, with a
single commercial entrance per Department of Public Works
Standard Plate R-32. Drawings should be completed by a
Professional Engineer and a Public Works Agreement will be
required.

In addition, this site is subject to the Baltimore
County Landscape Manual to the extent possible.

RWB:sw

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 3-1-95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 2-27-95

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee Items:

Item #'s: 271
284
285
286
288
289 ✓

Bruce Kelly
3-1-95

LS:sp

LETTY2/DEPRM/TXTSBP

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Howard L. Alderman Jr. Esq.</i>	<i>305 W. Chesapeake Ave #113 21204</i>
<i>Geoffrey C. Schulte</i>	<i>5 SHAWAN ROAD 21030</i>
<i>Gregory W. Peltz</i>	<i>25 W. Lombard Ave. 21206</i>
<i>Donald O. Peck</i>	<i>414 Donaghy Dr. 21286</i>
<i>Helen S. Peck</i>	<i>414 Donaghy Dr. 21286</i>

LETTER AGREEMENT IN SUPPORT OF ZONING VARIANCE

PETITIONER: Donald Peck, Owner
Priceless Carpets, Contract Purchaser

PROPERTY: 1967 Greenspring Drive
Timonium, Maryland

CASE NO.: 95-293 A

HEARING DATE: March 17, 1995

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, authorized representative of Green Spring Drive Joint Venture, the
owner of the property which adjoins the subject property in the area of the variance requested,
hereby notifies the Zoning Commissioner of its support of the variance as requested. This request
is based on a collateral agreement among itself and the Petitioners requiring that any expansion
of the existing building in the area of the requested variance be of masonry construction. The
undersigned hereby requests that any order granting the requested relief incorporate such masonry
construction requirement.

Signed and sealed this 17th day of March, 1995, as evidenced by the signature of the
General Partner of the owner of the property known as 1967 Greenspring Drive.

GREEN SPRING DRIVE JOINT VENTURE

By *Robert E. Hohman* (SEAL)
Robert E. Hohman, General Partner

PETITIONER'S
EXHIBIT NO. 2

Microfilm copies of
76-99-A

File with: 95-293-A

TABULATION DATA:

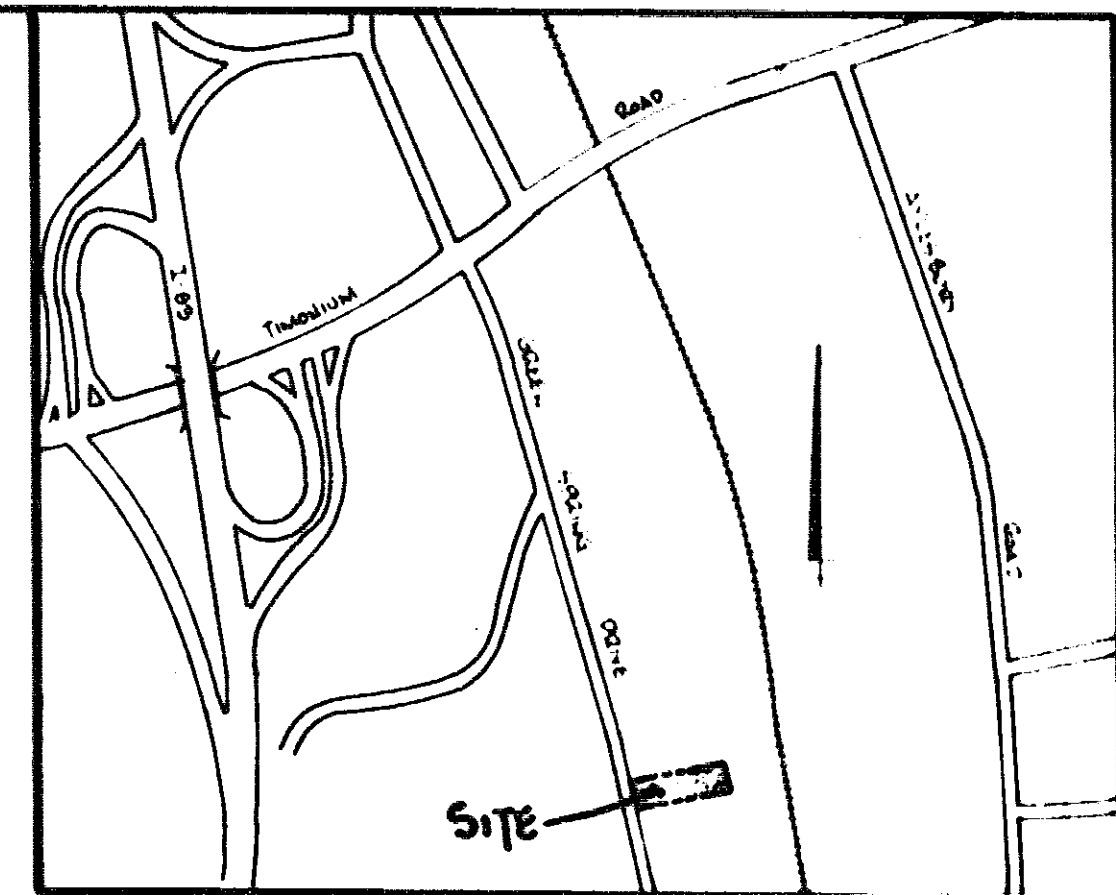
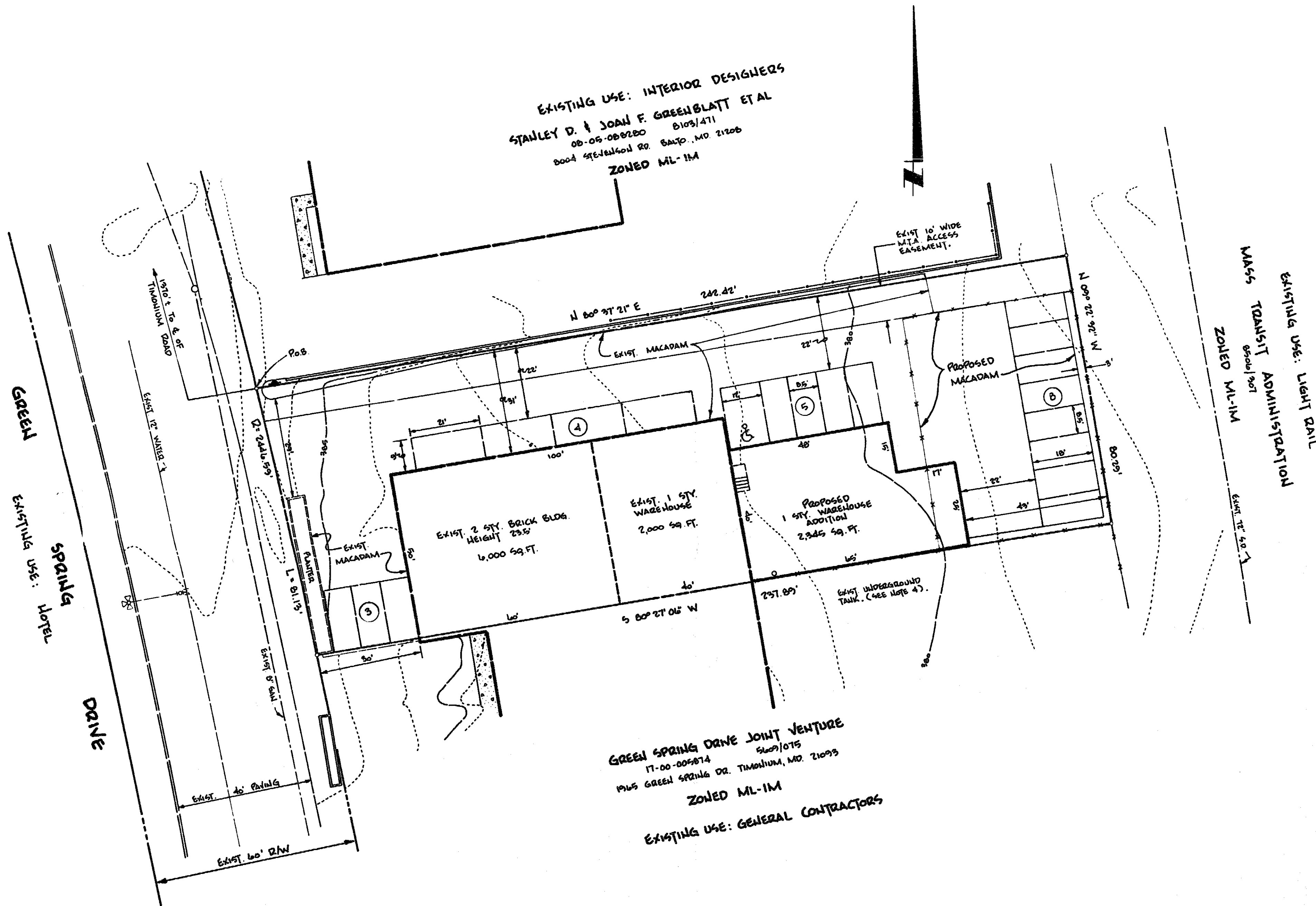
1. Existing Zoning of Site	ML-IM
2. Gross Area 21,818 S.F. =	0.501 Ac. ±
3. Net Area 19,384 S.F. =	0.445 Ac. ±
4. Floor Areas and Uses:	
First Floor	General Office 180 S.F.
	Retail 1,550 S.F.
	Warehouse 5,615 S.F.
	=====
	Total First Floor 7,345 S.F.
Second Floor	General Office 3,000 S.F.
	Total Floor Area 10,345 S.F.
5. Floor Area Ratio Permitted	2.0
6. Floor Area Ratio Proposed	10,345/21,818 = 0.47
7. Parking Required	
	Retail (1,550 s.f./1,000) x 5 = 7.75 spaces
	General Office (3,180/1,000) x 3.3 = 10.49 spaces
	Warehouse (5,615/1,000) x 3.3 = 18.63 spaces
	=====
	Total Parking Required 36.87 spaces
8. Parking Provided	20 spaces

PRIOR ZONING HEARINGS:

Case No. 76-99-A
Date of Order: November 4, 1975
Order: Variance granted to permit a zero foot setback on the southern property line in lieu of the minimum required 30 feet.

ZONING REQUEST:

Requesting a variance to Section 255.1 (B.R. 238.2) Baltimore County Zoning Regulations to permit a side-yard setback (south side) of zero feet in lieu of the minimum required 30 feet.



LOCATION MAP
SCALE 1" = 400'

GENERAL NOTES:

1. THERE ARE NO STREAMS, WETLANDS, SPRINGS, WELLS OR SEPTIC AREAS WITHIN 100' OF THIS SITE.
2. THIS PROJECT IS EXEMPT FROM COMPLIANCE WITH FOREST CONSERVATION REGULATIONS (EXIST. SITE < 40,000 SQ. FT.).
3. ALL PROPOSED SIGNS SHALL COMPLY WITH APPLICABLE ZONING REGULATIONS.
4. THE EXIST. UNDERGROUND STORAGE TANK WILL BE TESTED AND REMOVED PRIOR TO ISSUANCE OF BUILDING PERMITS.

PETITIONER'S EXHIBIT NO. 1

OWNER

DONALD PECK

414 CONEGLA DR.
TOWSON, MARYLAND 21206
PECK REF. 6792/710 TAX ACCT. 17-00-005873

CONTRACT PURCHASER

PRICELESS CARPETS

GREGORY CALVERT, PRES.
25 W. AYLESBURY ROAD
TIMONIUM, MARYLAND 21093
(410) 941-9810

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE 1967 GREEN SPRING DRIVE

8th ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 20' FEBRUARY 10, 1996
COUNCILMANIC DISTRICT 4

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by _____
Drawn by J.M.B.
Checked by _____
Job Number 99-09

James W. McKee
James W. McKee Date
(Maryland Registered No. 9012)



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
DEPARTMENT

LOCATION
Public Map
TIMONIUM